

Sentence Review Division
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SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
STATE OF MONTANA

AUG 14 2020

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-18-643
)	
Plaintiff,)	Lewis & Clark County District Court
)	
-vs-)	Montana First Judicial District
)	
GREGG ROBERT TRUDE,)	DECISION
)	
<u>Defendant.</u>)	

On April 15, 2020, the Defendant was sentenced in the District Court to a commitment to the Montana Department of Corrections for a period of twenty (20) years, with all but 1,272 days suspended, for the offense of Negligent Homicide, a Felony, in violation of §45-5-104(1), MCA. The Defendant was given credit for time served from October 16, 2019 – April 15, 2020. The District Court ordered there be no parole restriction. The Defendant was ordered to pay restitution in the amount of \$3,746,500, consisting of \$9,500 to Crime Victim's Compensation and \$3,737,000 to Leslie Walton for medical expenses and lost wages.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also to increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged his understanding of the same and stated his wish to proceed.

On August 7, 2020, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video from the Missoula Assessment and Sanction Center and was represented by Hilary LoCicero, who appeared by video from Washington, D.C. The State was represented by Leo Gallagher, who appeared by teleconference from Helena, Montana. As agreed within the Compromise Agreement, page 2, #3, filed with the Lewis and Clark County District Court on April 13, 2020, Mr. Gallagher provided a copy of the sentencing transcript prior to the

hearing but did not make a statement or present argument. The Defendant made a statement. Also present by video for the hearing was the Defendant's sister, Mary Roehr, who made a statement. The Defendant's mother, Lola Byers; Wendy Payne; Co-Defense Counsel: Wendy Holton, Peggy Bennett, and Robert Bennett, appeared by video. Leslie Walton, the wife of the victim, attended by teleconference, and made a statement.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." Section 46-18-904(3), MCA.

It is the unanimous finding of the Division that the sentence imposed is clearly excessive.

ORDER

The Judgment, therefore, is AMENDED and, for the offense of Negligent Homicide, a Felony, in violation of §45-5-104(1), MCA, the Defendant is committed to the Department of Corrections for a term of fifteen (15) years, with fourteen (14) years suspended. Further, the Defendant shall complete 500 hours of community service as monitored by his probation officer. In all other aspects, the Judgment of the District Court is affirmed.

Done in open Court this 7th day of August, 2020.

DATED this 14th day of August, 2020.

SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chairperson

Hon. Luke Berger, Member

Hon. Jessica Fehr, Member

Copies mailed or emailed this 14th day of August, 2020, to:

Clerk of District Court (Original)
Gregg Robert Trude #3027463, Defendant (2)
Hon. Mike McMahon
Hilary LoCicero, Defense Counsel
Leo Gallagher, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Shelly Smith, Office Administrator
Sentence Review Division